

# **EXHIBIT A**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

3 IN RE: NEURONTIN MARKETING, SALES ) CASE NO.  
4 PRACTICES AND PRODUCTS LIABILITY ) 04-10981  
5 LITIGATION )  
6 )

7 THIS DOCUMENT RELATES TO: )  
8 )

9 RUTH SMITH, Individually and as ) 05-CV-11515  
10 Widow for the use and benefit of )  
11 herself and the next of kin of )  
12 Richard Smith, deceased. )  
13 )

14 VIDEOTAPED DEPOSITION OF:

15 GARY WAYNE BIGGS, SR.

16 Taken on behalf of the Defendant

17 February 8, 2008  
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<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 KENNETH S. SOH, ESQUIRE</p> <p>5 Lanier Law Firm</p> <p>6 6810 F.M. 1960 West</p> <p>7 Houston, Texas 77069</p> <p>8 (713) 659-5200</p> <p>9 (713) 659-2204</p> <p>10 kss@lanierlawfirm.com</p> <p>11</p> <p>12 For the Defendant:</p> <p>13 CEDRIC E. EVANS</p> <p>14 Clark, Thomas &amp; Winters</p> <p>15 P.O. Box 1148</p> <p>16 300 West 6th Street, 15th Floor</p> <p>17 Austin, Texas 78701</p> <p>18 (512) 472-8800</p> <p>19 (512) 474-1129</p> <p>20 cce@ctw.com</p> <p>21</p> <p>22 Also Present: Amanda Martin, Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 The videotaped deposition of GARY WAYNE</p> <p>2 BIGGS, SR., taken on behalf of the Defendant,</p> <p>3 on the 8th day of February, 2008, in the</p> <p>4 offices of Medical Forensics, 850 R.S. Gass</p> <p>5 Boulevard, Nashville, Tennessee, 37216, for all</p> <p>6 purposes under the Federal Rules of Civil</p> <p>7 Procedure.</p> <p>8 The formalities as to notice, caption,</p> <p>9 certificate, et cetera, are waived. All</p> <p>10 objections, except as to the form of the</p> <p>11 questions, are reserved to the hearing.</p> <p>12 It is agreed that Deborah J. Harris, being</p> <p>13 a Notary Public and Court Reporter for the</p> <p>14 State of Tennessee, may swear the witness, and</p> <p>15 that the reading and signing of the completed</p> <p>16 deposition by the witness are reserved.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>3</p> <p>1 INDEX</p> <p>2 WITNESS: GARY WAYNE BIGGS, SR.</p> <p>3 INDEX OF EXAMINATIONS</p> <p>4</p> <p>5 Page/Line</p> <p>6 Examination by Mr. Evans 06 04</p> <p>7 Examination by Mr. Soh 59 11</p> <p>8 Examination by Mr. Evans 73 05</p> <p>9 Certificate 75 01</p> <p>10 Errata Sheet 76 01</p> <p>11</p> <p>12 INDEX OF EXHIBITS</p> <p>13 No. 1 15 17</p> <p>14 No. 2 17 06</p> <p>15 No. 3 29 07</p> <p>16 No. 4 46 17</p> <p>17 No. 5 46 17</p> <p>18 No. 6 51 08</p> <p>19 No. 7 64 05</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Here begins</p> <p>3 Volume 1, Videotape No. 1, in the</p> <p>4 deposition of Gary Biggs, in the manner of</p> <p>5 Neurontin Marketing and Sales Practices</p> <p>6 versus Pfizer Incorporated, in the United</p> <p>7 States District Court for the District of</p> <p>8 Massachusetts.</p> <p>9 The Case No. is 04-10981. Today's date is</p> <p>10 the 8th of February, 2008. The time on the</p> <p>11 video monitor is 9:07. The video operator</p> <p>12 today is Amanda Martin of Vowell &amp; Jennings,</p> <p>13 Nashville, Tennessee. This video deposition is</p> <p>14 taking place at 850 RS Gass Boulevard,</p> <p>15 Nashville, Tennessee.</p> <p>16 Counsel, please identify yourselves and</p> <p>17 state whom you represent.</p> <p>18 MR. EVANS: Cedric Evans representing</p> <p>19 Pfizer.</p> <p>20 MR. SOH: Kenneth Soh for the</p> <p>21 Plaintiffs.</p> <p>22 THE VIDEOGRAPHER: The court reporter</p> <p>23 today is Deborah Harris of Vowell &amp;</p> <p>24 Jennings. Would the reporter please swear</p> <p>25 in the witness.</p>

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<p style="text-align: right;">10</p> <p>1 current occupation?</p> <p>2 A I'm an investigator for the Medical</p> <p>3 Examiner's Office, Forensic Medical.</p> <p>4 Q And you say you're an investigator.</p> <p>5 What is your exact job title?</p> <p>6 A We take the initial reports of death,</p> <p>7 decide whether to --</p> <p>8 Q Oh, no. Actually, I didn't mean to</p> <p>9 cut you off. But what is your job title, and</p> <p>10 then we'll get into your job description?</p> <p>11 A Oh, my job title?</p> <p>12 Q Yes.</p> <p>13 A I'm sorry.</p> <p>14 Q That's okay.</p> <p>15 A Medical/legal death investigator.</p> <p>16 Q Okay. And you indicated that you</p> <p>17 work for Forensic Medical?</p> <p>18 A Yes, sir.</p> <p>19 Q Okay. Now, can you -- and is</p> <p>20 Forensic Medical -- is that a -- is it a</p> <p>21 private company?</p> <p>22 A Yes, sir.</p> <p>23 Q Okay. Can you explain the</p> <p>24 relationship between -- and maybe, obviously,</p> <p>25 this is something I think we touched on briefly</p>	<p style="text-align: right;">12</p> <p>1 Q So since 1997, is that --</p> <p>2 A Yes.</p> <p>3 Q Okay. And has your -- your job title</p> <p>4 always been the same?</p> <p>5 A When I was hired in '94, it was still</p> <p>6 medical/legal death investigator, yeah.</p> <p>7 Q Now, you started to answer this for</p> <p>8 me earlier.</p> <p>9 But what is your job description as a</p> <p>10 medical/legal death investigator?</p> <p>11 A We take the initial death call. We</p> <p>12 determine if it falls under the jurisdiction of</p> <p>13 the Medical Examiner's Office. If the death</p> <p>14 occurs outside of a hospital, except on</p> <p>15 infants -- on infants, if they die in the ER,</p> <p>16 we will respond to the ER. But any other ones</p> <p>17 we won't respond to hospital.</p> <p>18 If they die at a residence or wherever,</p> <p>19 outside the hospital settings, we will respond</p> <p>20 if it call -- if the need arises that we do</p> <p>21 need to respond. And we will do a death</p> <p>22 investigation at the scene. Transport the</p> <p>23 decedent here to the office and the medical</p> <p>24 examiner will determine whether to do an</p> <p>25 autopsy or not.</p>
<p style="text-align: right;">11</p> <p>1 right before the deposition, but the</p> <p>2 relationship between Forensic Medical and the</p> <p>3 Medical Examiner's Office for this county or</p> <p>4 for the state.</p> <p>5 A All right. In 1997 they privatized</p> <p>6 the operation of the Medical Examiner's Office.</p> <p>7 Forensic Medical was the company that was given</p> <p>8 the contract in '97 to function as the medical</p> <p>9 examiner.</p> <p>10 Dr. Bruce Levy was appointed chief medical</p> <p>11 examiner of Davidson County and then later</p> <p>12 appointed the state medical examiner also.</p> <p>13 Q Okay. Sir, now, are you guys then</p> <p>14 responsible for death investigation just in the</p> <p>15 county or for the entire state?</p> <p>16 A As of this date, we do in-county</p> <p>17 deaths. We respond to the scenes if necessary.</p> <p>18 Out of county, we'll take the death calls over</p> <p>19 the phone but we do not normally respond to</p> <p>20 those scenes. We'll just take that on the</p> <p>21 phone and bring them here. We do more of an</p> <p>22 autopsy service for those counties.</p> <p>23 Q How long have you been with Forensic</p> <p>24 Medical?</p> <p>25 A Since inception, ten years ago.</p>	<p style="text-align: right;">13</p> <p>1 We collect the data. We talk to the</p> <p>2 families. We take photographs at the scene.</p> <p>3 We work hand-in-hand with the police department</p> <p>4 on -- sometimes we're needed to collect</p> <p>5 evidence. But we work hand-in-hand with the</p> <p>6 police department in investigation of the</p> <p>7 scene.</p> <p>8 So, basically, we help the medical</p> <p>9 examiner decide manner and cause of death. We</p> <p>10 assist the medical examiner.</p> <p>11 Q Okay. And that was going to be my</p> <p>12 next question to you. So in terms of the</p> <p>13 overall function of the Medical Examiner's</p> <p>14 Office, does that go to determine the manner</p> <p>15 and cause of death?</p> <p>16 A Yes, sir. And to -- we have -- to</p> <p>17 investigate the criteria under state law. But</p> <p>18 ultimate goal is manner and cause of death.</p> <p>19 Q When you say investigate the criteria</p> <p>20 under state law, what do you mean by that?</p> <p>21 A There's certain criteria. You'll see</p> <p>22 on the report of investigation of County</p> <p>23 Medical the types of death we do investigate.</p> <p>24 Q Okay.</p> <p>25 A And it's those deaths and</p>

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<p style="text-align: right;">14</p> <p>1 cremations -- all cremations in the county of  2 death have to be approved by the medical  3 examiner in the county.  4 Q And in terms of the types of deaths  5 that you investigate, are -- do suicide deaths  6 fall within the responsibility of the Medical  7 Examiner's Office?  8 A Yes, sir.  9 Q And in the course of your employment  10 with Forensic Medical, have you had occasion to  11 conduct investigations of suicide deaths?  12 A Yes, sir.  13 Q Do you have an approximation of the  14 number of suicide deaths that you've  15 investigated?  16 A I don't have it in front of me, but  17 over 500.  18 Q Okay. And what would be your --  19 again, I know this is an estimate because you  20 don't have the numbers in front of you -- the  21 overall number of death cases that you've  22 investigated during your time with Forensic  23 Medical?  24 A It's around 3,400 right now. I said  25 over 500. I might have to retract that and say</p>	<p style="text-align: right;">16</p> <p>1 and you have them on a -- when you brought them  2 in, they were on a -- it's part of a note pad.  3 And there was one page of that note pad that  4 you copied for us before we started.  5 Can you tell me what notes, handwritten  6 notes, are contained on this page?  7 A These are the notes I took that day  8 from that case, what I did, just notes for me  9 to keep to jar my memory when I came back.  10 Q Okay.  11 A And for information so I could put it  12 in the chart.  13 Q And so -- and I think you may have  14 answered my next question. In terms of when  15 these notes were taken, were these notes taken  16 by you at the scene or were these notes that  17 you jotted down once you returned to the  18 office?  19 A Both. They started at 5:53, as  20 you'll notice up in the top right-hand corner.  21 That's the time I got the call.  22 Q Okay.  23 A And then off to the side, when you  24 see 1097, that's the time I arrived at the  25 scene. 1098 is the time I left the scene.</p>
<p style="text-align: right;">15</p> <p>1 250 to 500.  2 Q Okay.  3 A I can't remember which figure -- I'm  4 trying to remember what my sheet looked like.  5 Q Okay. You actually keep that  6 information?  7 A I'm about a year behind. But, yeah,  8 I keep up to date.  9 MR. EVANS: Okay. What I want to do  10 now is -- let's see. Let's mark a couple  11 of things for the record. We're going to  12 mark a copy of the Forensic Medical file  13 as Deposition Exhibit No. 1.  14 And this is the copy of the record that is  15 -- I think it's 19 pages long. And it's -- it  16 has a certification date of 9/5/07.  17 (EXHIBIT NO. 1 WAS MARKED FOR  18 IDENTIFICATION.)  19 BY MR. EVANS:  20 Q And I see that you have the original  21 file in front of you?  22 A Oh, yes, sir.  23 Q Okay. All right. And since I'm in a  24 marking kind of mode here, you also brought  25 with you some handwritten notes. Can you --</p>	<p style="text-align: right;">17</p> <p>1 MR. EVANS: Wait a minute. Let's do  2 this. You're actually looking now -- let  3 me go ahead and let me do this right here.  4 Let me mark a copy of these notes as  5 deposition Exhibit No. 2.  6 (EXHIBIT NO. 2 WAS MARKED FOR  7 IDENTIFICATION.)  8 BY MR. EVANS:  9 Q Okay. Can you -- let's do this then.  10 Can you walk us through kind of what we're  11 looking at when we look at the notes from the  12 top going down?  13 A Sure. At the very top -- I guess it  14 would be the corner.  15 Q The top right corner?  16 A Yeah, there you go.  17 Q Okay.  18 A It says 8628510, dash 8510. That's  19 dispatch's number. And they could page me at  20 5:53 that morning. Over here it says 04-1575.  21 I assigned it a case number.  22 Q Okay. So you assign the case number?  23 Yes?  24 A Yes.  25 Q Okay.</p>

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<p style="text-align: right;">18</p> <p>1 A Sorry.</p> <p>2 Q That's all right.</p> <p>3 A Of course the decedent's name, his</p> <p>4 age.</p> <p>5 Q Okay.</p> <p>6 A I didn't write his race and sex. I</p> <p>7 normally write that down. I didn't write that</p> <p>8 down.</p> <p>9 Q Tell me something. Just the --</p> <p>10 the -- the name and the age -- and is that the</p> <p>11 date of birth, that 1/4?</p> <p>12 A Yes.</p> <p>13 Q Was it 1/4/20 --</p> <p>14 A 25.</p> <p>15 Q 25. Is that information that you got</p> <p>16 before you arrived at the scene or is that</p> <p>17 information you got at the scene?</p> <p>18 A Since ya'll have copies, you can't</p> <p>19 see the difference in color. When I took the</p> <p>20 initial call, it was in red. And then I had a</p> <p>21 black pen. So that's when I got out to the</p> <p>22 scene I had a different pen.</p> <p>23 Q Okay.</p> <p>24 A So you can see my initial notes.</p> <p>25 Q Well, let's just for the record, so</p>	<p style="text-align: right;">20</p> <p>1 case number, since it's in blue, it was</p> <p>2 probably when I got back.</p> <p>3 Q Okay. You can keep working.</p> <p>4 A All right. So we've got the</p> <p>5 decedent's name, Richard H. Smith. He was at</p> <p>6 1443 Janie Avenue in Inglewood, 37216 Zip code.</p> <p>7 The Complaint No. 04-240830, that's the Metro</p> <p>8 Police complaint number. And if you look about</p> <p>9 midway down the page on the left-hand side.</p> <p>10 Q Right.</p> <p>11 A It says, 0545 --</p> <p>12 Q Yes.</p> <p>13 A -- MPD. That's what time they got</p> <p>14 the call.</p> <p>15 Q And is that information -- who do you</p> <p>16 get that information from?</p> <p>17 A Either dispatch or the detective on</p> <p>18 the scene.</p> <p>19 Q Okay.</p> <p>20 A And back to the top of the page on</p> <p>21 the left-hand side, you see 738, 1098 below it?</p> <p>22 That's the code for leaving the scene. So</p> <p>23 that's the time I left that scene, 738.</p> <p>24 Q Okay.</p> <p>25 A Below that says 640, 1097. That's</p>
<p style="text-align: right;">19</p> <p>1 it's clear that in terms of the things that are</p> <p>2 in red, it's the dispatch phone number and</p> <p>3 time. You also have --</p> <p>4 A Location.</p> <p>5 Q -- the 1443 Janie Avenue also in red?</p> <p>6 A And the officer at the scene.</p> <p>7 Q Okay. And that is --</p> <p>8 A Well, no. It's off of Murray and</p> <p>9 McGavock Pike.</p> <p>10 Q Okay. So those are the cross streets</p> <p>11 for the address?</p> <p>12 A Yes, sir.</p> <p>13 Q Okay. And everything else -- so</p> <p>14 those are notes that you made when you got the</p> <p>15 call. Everything else that is in black are</p> <p>16 notes that you would have made at the scene?</p> <p>17 A At the scene.</p> <p>18 Q Okay.</p> <p>19 A Or when I got back.</p> <p>20 Q Or when you got back. Are you able</p> <p>21 to distinguish between the notes that you made</p> <p>22 at the scene and the notes you made when you</p> <p>23 got back?</p> <p>24 A Pretty much I can tell by my writing</p> <p>25 most of my notes were done at the scene. The</p>	<p style="text-align: right;">21</p> <p>1 the code that I arrived at the scene. That's</p> <p>2 what time I got there.</p> <p>3 Q Okay. So you were at the scene for</p> <p>4 about an hour?</p> <p>5 A Yes, sir. And then, like you already</p> <p>6 distinguished, it was off Murray and McGavock</p> <p>7 Pike.</p> <p>8 Q All right. And then we have after --</p> <p>9 kind of underneath that, under the -- the --</p> <p>10 the, um, -- kind of the cross streets. You've</p> <p>11 got some notes here. One year ago hip/knee</p> <p>12 replacement. Talked in March of suicide. Can</p> <p>13 you -- and there's some other notes here. I'm</p> <p>14 not trying to just focus on those. But reading</p> <p>15 down, there's some other notes.</p> <p>16 Can you tell me where -- from what source</p> <p>17 you would have obtained this information?</p> <p>18 A Initially from I believe Danny</p> <p>19 Satterfield was out there. The</p> <p>20 officers/detectives on the scene.</p> <p>21 And then I would have, more than likely --</p> <p>22 which I did talk to the wife in the living room</p> <p>23 with the daughter present. I would have</p> <p>24 confirmed that they did talk.</p> <p>25 I would have made it quick because that</p>

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<p style="text-align: right;">22</p> <p>1 scene was -- the family was having a hard time 2 with it. 3 Q Okay. Now, you said you did talk to 4 the wife, Ruth Brown Smith? 5 A Yes, sir. 6 Q Okay. And you said the daughter was 7 present? 8 A Yes, sir. 9 Q And which daughter was that? 10 A Cindy Smith. 11 Q Okay. And just to I guess sort of 12 figure out whether or not because there is, you 13 know, probably, you know, ten or 11 items of 14 information that's here in kind of this middle 15 set of notes, just are you able to say, okay, 16 well, this item of information is information I 17 got directly from Ruth Brown Smith and Cindy 18 Smith and this other information is information 19 I got from talking to Detective Satterfield or 20 one of the other officers on the scene? 21 A No. 22 Q Okay. All right. And do you have 23 any specific recollection of the substance of 24 your conversation with Ruth Brown Smith and her 25 daughter Cindy Smith?</p>	<p style="text-align: right;">24</p> <p>1 everybody -- I just asked to talk to them 2 alone. 3 Q And so you would have -- you would 4 have -- that's part of your normal working 5 protocol; one of the things you would have 6 confirmed was the talk of -- previous talk of 7 suicide? 8 A Yes, sir. 9 Q Okay. And in terms of -- were you -- 10 was there any information that you can recall 11 that came from Cindy Smith versus Ruth Smith? 12 A No, sir. 13 Q All right. And in terms of your 14 confirming the information contained in your 15 notes here, if you had gotten a response that 16 the information that you had -- that you had, 17 you know, regarding the previous talk of 18 suicide or some of the other information was 19 incorrect, is that something you would have 20 noted in your written -- 21 A Yeah. I would have changed my note. 22 Q Okay. All right. And -- okay. And 23 you said it was at seven -- 7:35 when you spoke 24 to -- to Ruth Smith and her daughter? 25 A Yes.</p>
<p style="text-align: right;">23</p> <p>1 A Yes. 2 Q Okay. 3 A I talked to her at 7:35 a.m. That's 4 on our order for autopsy. Should be in the 5 file. And I explained that we, you know -- we 6 have to do an autopsy since the type of death 7 he experienced. 8 And more than likely, because I know how I 9 operate, I would have asked about the suicide 10 talk in the past or the attempts in the past, 11 to confirm that. And, basically, confirm the 12 story or just maybe ask little, quick 13 questions, because she was devastated. And the 14 daughter was there more of a protective kind of 15 role, which that's understandable. 16 And I asked everybody else to stay in the 17 kitchen. And I pulled her off to the living 18 room. 19 Q Okay. You pulled her and Cindy Smith 20 off to the living room -- 21 A Yeah. 22 Q -- when you spoke to them? 23 A Yes. You come in the front door. 24 And to the right was a living room area, and 25 then the kitchen was back that way. So</p>	<p style="text-align: right;">25</p> <p>1 Q Okay. One of the things you talked 2 to them about was the -- was the autopsy one of 3 the things you talked to them about, as well? 4 A Yes. 5 Q What were their thoughts about an 6 autopsy? 7 A They were strongly opposed. 8 Q Okay. 9 A And I documented that in my senior 10 investigator report. 11 Q And we're going to -- we'll go 12 through those in a second. Um -- 13 A And it's on the side of my notes. 14 Q Right. Yeah. I think you noted here 15 on the left-hand margin, opposed to autopsy. 16 In terms of the normal protocol for a -- 17 the investigation of a death like Mr. Smith's 18 death, a gunshot wound to the head, is it a 19 normal part of the protocol to request an 20 autopsy? 21 A Repeat your question. 22 Q I'm sorry. Yeah. I'm just trying to 23 figure out, is it standard protocol for the 24 Medical Examiner's Office to do an autopsy in a 25 case like this?</p>

7 (Pages 22 to 25)



<p style="text-align: right;">26</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. Why?</p> <p>3 A Because they have a projectile still</p> <p>4 in their body. So you have to remove the</p> <p>5 projectile. And that's -- basically, several</p> <p>6 reasons.</p> <p>7 But the main one is what about if it came</p> <p>8 back later and it was a homicide? So then you</p> <p>9 would have to bury somebody and have to exhume</p> <p>10 them to get the projectile out.</p> <p>11 Q Okay.</p> <p>12 A But Dr. Li can go into more about it.</p> <p>13 Q Yeah. No. We -- yeah. We're going</p> <p>14 to talk to him in a bit. Let me ask you this:</p> <p>15 Obviously, given what happened earlier, that,</p> <p>16 you know, Mrs. Smith, Ruth Smith, was upset?</p> <p>17 A (Nods head.)</p> <p>18 Q Correct?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Was she able to talk to you</p> <p>21 and give you the answers that you were trying</p> <p>22 to -- the answers to the questions that you</p> <p>23 were asking of her?</p> <p>24 A Yes.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">28</p> <p>1 happens.</p> <p>2 BY MR. EVANS:</p> <p>3 Q It's just to the extent that you</p> <p>4 asked questions of Cindy Smith -- and do you</p> <p>5 recall asking any questions of Cindy Smith?</p> <p>6 A I don't recall asking Cindy Smith.</p> <p>7 Q Okay. All right.</p> <p>8 A I directed my questions to the wife.</p> <p>9 Q Okay. All right.</p> <p>10 MR. SOH: Over my objection. Thank</p> <p>11 you, sir.</p> <p>12 THE WITNESS: And the only -- and the</p> <p>13 reason why is because I was trying to make</p> <p>14 it quick. And I said, she came in there</p> <p>15 more of a protective role. And that</p> <p>16 happens. There are some times when the --</p> <p>17 the decedent's family members are</p> <p>18 distraught and then other family members</p> <p>19 will step up and that's fine.</p> <p>20 I just wanted to make it quick and help</p> <p>21 them get their grieving process started.</p> <p>22 MR. EVANS: Okay. Okay. So we're</p> <p>23 going to put this -- right. And then I --</p> <p>24 oh, let me just while we're -- since I</p> <p>25 have this, I'm going to go ahead and mark</p>
<p style="text-align: right;">27</p> <p>1 A But I was quick with it.</p> <p>2 Q Okay.</p> <p>3 A Normally, when they're upset, I just</p> <p>4 get what I need to do really quickly and let</p> <p>5 them ask me any questions before I leave and</p> <p>6 then I leave.</p> <p>7 Q Do you recall any questions that Ruth</p> <p>8 Smith asked of you?</p> <p>9 A No.</p> <p>10 Q Okay. All right. And you said that</p> <p>11 Cindy Smith was there in more of in a</p> <p>12 protective role?</p> <p>13 A Yeah.</p> <p>14 Q Okay. Was she -- to the extent that</p> <p>15 you directed questions toward her, was she able</p> <p>16 to answer the questions that you were asking of</p> <p>17 her?</p> <p>18 MR. SOH: Objection to form.</p> <p>19 MR. EVANS: You can answer.</p> <p>20 MR. SOH: Go ahead. Vague.</p> <p>21 MR. EVANS: Yeah, you can answer.</p> <p>22 THE WITNESS: Now, what was your</p> <p>23 question?</p> <p>24 MR. EVANS: Yeah. No --</p> <p>25 MR. SOH: Yeah, that's what usually</p>	<p style="text-align: right;">29</p> <p>1 this.</p> <p>2 You brought your fee schedule with you,</p> <p>3 the charge. And it says, Gary W. Biggs, Sr.,</p> <p>4 Medical Investigator, and a charge schedule for</p> <p>5 a private consultation. I'm going to mark this</p> <p>6 as deposition Exhibit No. 3.</p> <p>7 (EXHIBIT NO. 3 WAS MARKED FOR</p> <p>8 IDENTIFICATION.)</p> <p>9 BY MR. EVANS:</p> <p>10 Q And just to be clear, you are being</p> <p>11 compensated today for your time in this</p> <p>12 deposition, correct?</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. And the going rate for your</p> <p>15 time giving a deposition is -- is \$250 an hour,</p> <p>16 plus any travel expenses if you have to travel</p> <p>17 somewhere for the deposition, correct?</p> <p>18 A Yes, sir.</p> <p>19 Q And you set your minimum a two-hour</p> <p>20 minimum?</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. So, essentially, if the --</p> <p>23 even if the deposition went one hour, your fee</p> <p>24 would be \$500?</p> <p>25 A Yes, sir.</p>

8 (Pages 26 to 29)

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<p style="text-align: right;">30</p> <p>1 Q Okay. All right. And you also -- on 2 this fee schedule there's some charges for 3 court testimony, as well. 4 And just to be clear, we have agreed -- 5 Pfizer has agreed to compensate you for -- 6 according to your fee schedule for your time 7 today, correct? 8 A Yes, sir. 9 MR. SOH: If they stiff you, sir, 10 we'll be glad to send you -- we'll be glad 11 to compensate you, as well. 12 MR. EVANS: Thanks for that. I have 13 the check with me. But, nice, appreciate 14 that. 15 MR. SOH: Do you want to hand it to 16 him on the video, Cedric? 17 MR. EVANS: No, no, no. No, no, no. 18 No, no, no. Ever. 19 MR. SOH: (inaudible.) -- am I 20 correct? (Inaudible.) 21 BY MR. EVANS: 22 Q Can you -- can you -- and you've 23 talked some about this, just in terms of your 24 role. 25 So you said you arrived at the Smith home</p>	<p style="text-align: right;">32</p> <p>1 scene. And -- 2 Q And when you say -- 3 A -- and -- 4 COURT REPORTER: I'm sorry. Released 5 from the scene? 6 THE WITNESS: Yes, ma'am. And talk 7 to the families if they're on the scene 8 and explain our procedures, protocols, 9 that we have to do. 10 Q And you said document the scene. 11 What does document the scene entail? 12 A We take notes. We take photographs. 13 And then we come back and we type up the scene 14 description and the report. 15 Q Would your focus -- I mean, beyond 16 the conversation that you had with Ruth Smith 17 and Cindy Smith, have been on -- and we talked 18 about the scene. Obviously, the entire home 19 was a scene. 20 But in particular in the Smith home that 21 day, was there a -- was there an area of the 22 home that was the focus of the investigation? 23 A Yes, sir. 24 Q And what area was that? 25 A When you come in the door, the best I</p>
<p style="text-align: right;">31</p> <p>1 at 0640, so that's 6:00 -- I'm sorry. 2 6:40 a.m., correct? 3 A Yes, sir. 4 Q Okay. What was your role in the 5 investigative process at the Smith home? 6 A My role is twofold. It is to look at 7 the victim. I can say victim, right? 8 Q Sure. 9 A Because I got in trouble for it 10 before. To look at the decedent and do a body 11 examination, document the scene with 12 photography, correlate the decedent to the 13 scene, and if anything appears different from 14 what we're looking at -- we start off as 15 everything is a homicide, and you go from 16 there. 17 This was very consistent with a suicide 18 and we -- do you want me to go on and tell what 19 I saw at the scene? 20 Q No, no. We'll talk about that in a 21 second. 22 A Okay. So, anyway, document the 23 scene. Do a body exam. Prepare the decedent 24 for transport. Make sure transport arrives in 25 a timely manner and have him released from the</p>	<p style="text-align: right;">33</p> <p>1 remember, you go to the left. And then there 2 was a bedroom off this room to the left. And 3 that might have been another -- that might have 4 been a living room. That might have been a den 5 to the right. 6 But, anyway, there's a bedroom. You go 7 through that door. And that's where the 8 decedent's bedroom was. 9 Q And so was that the -- that's 10 where -- is that where he -- he took his own 11 life? 12 A Yes, sir. 13 Q Okay. And so was that the area of 14 your primary focus was on that bedroom? 15 A Yes, sir. 16 Q Do you know -- and there was also -- 17 obviously, there were police officers from the 18 Metro Nashville Police Department there, 19 correct? 20 A Yes, sir. 21 Q Detective Satterfield was there? 22 A Yes, sir. 23 Q Do you have any specific recollection 24 of what his role in the investigation was? 25 A Danny is like me. He's making sure</p>

<p style="text-align: right;">34</p> <p>1 that it's not a homicide. He's interviewing  2 the family, getting the story. And then he has  3 to go back and do a report.  4 Q All right. And do you recall a  5 gentleman named David Crowder being at the  6 scene?  7 A Yes, sir.  8 Q Okay. Who is David Crowder?  9 A David Crowder is a retired metro  10 officer. But at the time he worked for the  11 I.D. Unit of Metropolitan Police Department.  12 Q And what does the I.D. unit do?  13 A They collect the evidence. They take  14 the pictures. We take dual pictures.  15 Q It is essentially -- it's a  16 concurrent responsibility? His responsibility  17 is essentially the same for the police  18 department as yours is for the Medical  19 Examiner's Office?  20 A Mine is more on the decedent, where  21 his is more on the scene.  22 Q Okay. All right. And do you have a  23 specific recollection of -- was it -- do you  24 have a specific recollection of Mr. Crowder  25 actually having taken pictures at the scene?</p>	<p style="text-align: right;">36</p> <p>1 family, I'm just trying to figure out whether  2 or not it was, you know, was it you talking  3 with Detective Satterfield and the police  4 officers or whether or not when you had your  5 conversation it was a conversation that was,  6 you know, between yourself and Ruth Smith and  7 Cindy Smith?  8 A I had two separate conversations,  9 with the detective, and then with Ruth Smith  10 and Cindy off in the room to the right as you  11 come in the door.  12 Q And when you say the detective,  13 you're talking about Detective Satterfield?  14 A Yes, sir.  15 Q And are you aware of whether or not  16 Detective Satterfield had a separate -- had  17 separate discussions with the family?  18 A No. I would be speculating.  19 Q Okay. Let's -- let's do this:  20 Let's --  21 A Because I get my information from  22 everybody at the scene.  23 Q I understand. I understand. Let's  24 kind of talk about some of the reports that are  25 contained in the file. There is one document</p>
<p style="text-align: right;">35</p> <p>1 A I just remember David being there.  2 Q Okay.  3 A Now, if he was the only -- I don't  4 remember if he was the only I.D. officer there,  5 because -- the reason I know David was there,  6 because we came back. David told me he  7 personally knew this family and we talked  8 outside.  9 Q So you would defer to David on what  10 activities he actually did while he was --  11 while he was there at the scene?  12 A Right.  13 Q And did you -- in terms of -- when  14 you did your interview with the family, you did  15 it, it was just you interviewing Ruth Smith and  16 Cindy Smith; is that correct?  17 A I'm sure Danny and them were right  18 behind me.  19 Q Okay. I'm just trying to figure if,  20 whether or not the -- so were you  21 interviewing --  22 A I wasn't interviewing, per se.  23 Q When you talked to the family --  24 A Okay.  25 Q Fair enough. When you talked to the</p>	<p style="text-align: right;">37</p> <p>1 called a report of investigation by County  2 Medical Examiner, which is -- for the record,  3 it's pages seven and eight of deposition  4 Exhibit No. 1.  5 And just -- and there's also a preliminary  6 report of investigation by County Medical  7 Examiner.  8 Can you tell me how these -- this document  9 gets constructed or created?  10 A I create it.  11 Q You create it. Okay.  12 A We create the preliminary, which is  13 the first report we create. And that's that  14 initial date. And then when -- every -- all  15 the toxicology and everything else comes back,  16 all the tests they ran, then the report of the  17 investigation of County Medical Examiner is  18 created because that's the final report that  19 goes with the autopsy report.  20 Q And if we look here at your -- and  21 I'm going to go through this -- but, obviously,  22 manner of death, you've noted that it was  23 suicide, correct? Type of death and manner of  24 death?  25 A Yes, sir.</p>

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<p style="text-align: right;">38</p> <p>1 Q Okay. And then the second page of 2 that document. 3 A Which one are you looking at? 4 Q No. I was looking at the final one. 5 So we're looking at the same one now. On the 6 last page, which I guess it's going to be, it 7 says narrative summary of circumstances 8 surrounding death? 9 A Yes. 10 Q Is that -- when you -- do you 11 complete this form once you get back to the 12 office? 13 A Yes, sir. 14 Q And is the information that's 15 contained in that narrative summary, is that 16 information that you would have taken from your 17 notes and created that narrative summary? 18 A Notes and memory. 19 Q Notes and memory. All right. And 20 before you finalized this report -- which you 21 have, you know, reviewed the narrative summary 22 to ensure that it matches up with your memory 23 and with your notes and that it's accurate? 24 A The narrative -- 25 Q Yes.</p>	<p style="text-align: right;">40</p> <p>1 narrative in there. It's all done -- we're 2 computerized. 3 Q Can you tell me this: Because it 4 notes here at the bottom of this, in the part 5 two, next of kin notification, it says, served 6 on next of kin, 5/13/2004 at 7:35 a.m. 7 So this would have been served on the 8 family prior to the time you left the scene? 9 A Yes, sir. 10 Q Okay. 11 A Not the paper. 12 Q Okay. That's -- that was the 13 question. So what is -- what was served on the 14 family at 7:35 a.m.? 15 A I verbally informed them. 16 Q Okay. All right. And later on, 17 then, once you get back to the office, that's 18 when this document is created? 19 A Yes. 20 Q Okay. And then is it physically 21 served on the family? 22 A No. 23 Q No. All right. Okay. 24 A But I generated that document. I can 25 tell you how I know that.</p>
<p style="text-align: right;">39</p> <p>1 A -- is done that day. The final 2 report I don't see unless I go back and pull it 3 back up. 4 Q Oh, okay. So you complete your 5 narrative and then the final report gets -- it 6 becomes part of the report and then the -- the 7 report is finalized later? 8 A The preliminary report, that 9 information automatically goes into the final 10 report and then Dr. Levy and them finish that. 11 Q And Dr. Levy is the medical examiner? 12 A Yes, sir. 13 Q And so that signature that's on the 14 bottom of the page -- the first page of that, 15 that's his signature? 16 A Bruce P. Levy, yes, sir. At least 17 that's what it looks like. 18 Q There is another document entitled 19 order of autopsy which is, just for the record, 20 is page 15. 21 A Yeah. That's the -- the notification 22 for order of autopsy. 23 Q And is that a document that you 24 create, as well? 25 A Yes, sir. It automatically puts the</p>	<p style="text-align: right;">41</p> <p>1 Q How do you know that? 2 A Even though I didn't sign it, I know 3 it because the computer generates my name as 4 Gary Biggs. I go in there and manually change 5 it to Gary W. Biggs, Sr. 6 MR. SOH: You are OCD. 7 A I never lie. At least I try not to. 8 (COURT REPORTER ASKS EVERYONE TO 9 SPEAK UP.) 10 (DISCUSSION WAS HAD OFF THE RECORD.) 11 BY MR. EVANS: 12 Q Okay. Let's talk now about the scene 13 investigation report which is also part of your 14 file, correct? 15 A Yes, sir. 16 Q Okay. Tell me how the scene -- this 17 is a document that's created by you? 18 A Yes, sir. 19 Q Okay. Tell me when in the process of 20 your investigation this document would have 21 been created. 22 A When I get back to the office. 23 Q So it would have been created that 24 morning? 25 A More than likely. I would have to</p>

<p style="text-align: right;">42</p> <p>1 check the computer. But I believe it was.</p> <p>2 Q And is this -- in the terms of the</p> <p>3 scene description, is this like the narrative</p> <p>4 summary, where it's created based upon your</p> <p>5 notes and also based upon your memory of the</p> <p>6 scene?</p> <p>7 A Yes, sir. And this is usually an</p> <p>8 internal document that is not released out to</p> <p>9 the family. So it can't -- it won't -- like I</p> <p>10 said, that day I was here for a while. So I</p> <p>11 would have done that that day. But there are</p> <p>12 occasions that we do them like that night when</p> <p>13 we return or later.</p> <p>14 Q Now, can you tell me this, because</p> <p>15 this -- this scene description appears to have</p> <p>16 more information than the narrative summary.</p> <p>17 Is there a reason for that?</p> <p>18 A The narrative summary you don't put</p> <p>19 all the information in there. This is more for</p> <p>20 the doctors to read, to give them more of the</p> <p>21 story.</p> <p>22 You don't want to -- I personally do not</p> <p>23 want the family to remember certain aspects of</p> <p>24 the scene, so I'm not going to put that in</p> <p>25 there, because it needs to be more generalized,</p>	<p style="text-align: right;">44</p> <p>1 A Several times, yes, sir.</p> <p>2 Q Okay.</p> <p>3 A But not all the time. But a lot of</p> <p>4 times.</p> <p>5 Q Okay. Do you have a recollection of</p> <p>6 whether or not you would have reviewed the</p> <p>7 photographs for this?</p> <p>8 A I don't know.</p> <p>9 Q I know that's a while ago.</p> <p>10 A We download the photographs into the</p> <p>11 computer system, so I have them right there, so</p> <p>12 I can look at them a lot.</p> <p>13 Q Now you have -- you've got a copy of</p> <p>14 you -- of the photographs that you took in</p> <p>15 front of you?</p> <p>16 A Yes, sir.</p> <p>17 Q All right. Now what I'm interested</p> <p>18 in is in the scene description, coming down</p> <p>19 kind of toward the -- toward the end of that</p> <p>20 last paragraph, it says, what appeared to be --</p> <p>21 do you see that part?</p> <p>22 A Yes, sir.</p> <p>23 Q Okay. What appeared to be several</p> <p>24 prescriptions on the dresser were noted. Wait</p> <p>25 a minute. I'm sorry. Let me read it.</p>
<p style="text-align: right;">43</p> <p>1 as opposed to this needs to be more in depth,</p> <p>2 when you talk about the report of the County</p> <p>3 Medical Examiner.</p> <p>4 Q So is the thought that the report of</p> <p>5 the County Medical Examiner was going to end up</p> <p>6 with the family?</p> <p>7 A If they request it.</p> <p>8 Q So you're more -- a little bit more</p> <p>9 selective about the information that you put in</p> <p>10 there?</p> <p>11 A Yes, sir.</p> <p>12 Q All right. I want to --</p> <p>13 A Thus, it's totally different from</p> <p>14 a --</p> <p>15 Q I wanted to ask you a few questions</p> <p>16 about some of the information that is contained</p> <p>17 in the scene investigation report.</p> <p>18 You mentioned that you -- you also took</p> <p>19 photographs of the scene, correct?</p> <p>20 A Yes, sir.</p> <p>21 Q Okay. Do you look at the -- tell me</p> <p>22 this: When you're completing the scene</p> <p>23 description, in that part of the scene</p> <p>24 investigation report, do you also review your</p> <p>25 photographs to assist you with that?</p>	<p style="text-align: right;">45</p> <p>1 What appeared to be several prescriptions</p> <p>2 on a dresser were noted. The victim appeared</p> <p>3 to have been prescribed Hydrocodone,</p> <p>4 cyclobenzaprine, and Neurontin.</p> <p>5 Do you see that?</p> <p>6 A Yes, sir.</p> <p>7 Q Okay. In terms of this information,</p> <p>8 would this have been based upon your</p> <p>9 observations of the bedroom?</p> <p>10 A Well, yes. But we also collect the</p> <p>11 medication at the scene.</p> <p>12 Q Okay. All right. And if, for</p> <p>13 example -- and I assume that if -- we're going</p> <p>14 to look at the photographs in a second. But I</p> <p>15 assume if you saw -- you know, you could see a</p> <p>16 pill bottle that, you know, contained</p> <p>17 medication and a pill bottle that did not</p> <p>18 contain medication?</p> <p>19 A Yes, sir.</p> <p>20 Q If you had a pill bottle, even though</p> <p>21 on the outside it said that it was, for</p> <p>22 example, hydrocodone, if it didn't contain any</p> <p>23 medication, would you note on your scene</p> <p>24 description that there was hydrocodone at the</p> <p>25 scene?</p>

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<p style="text-align: right;">46</p> <p>1 A I would still put that the pill 2 bottle was there. 3 Q Okay. 4 A But I would more than likely note 5 that it was empty. 6 Q Okay. All right. Now, looking at 7 the photographs -- and I've got a version of 8 photographs that actually has the number -- the 9 numbers that were assigned that was part of the 10 file. And I have the 04-1575-01. Yours may -- 11 A That's fine. 12 Q -- they may be a little clearer than 13 mine. And I want to look first at 14 photographs 6 and 14. And I'm going to mark as 15 deposition Exhibit No. 4 photograph 6, and 16 deposition Exhibit No. 5 photograph 14. 17 (EXHIBIT NOS. 4 AND 5 WERE MARKED FOR 18 IDENTIFICATION.) 19 BY MR. EVANS: 20 Q Now, looking at these two 21 photographs, there are a number of -- well, 22 fair to say there are a number of medication 23 bottles on the dresser? 24 A Uh-huh. 25 Q Yes?</p>	<p style="text-align: right;">48</p> <p>1 Q Okay. All right. So it's your 2 belief that bottle contains the Neurontin, the 3 big pill bottle? 4 A Yes, sir. 5 Q Okay. Are you -- are you -- is that 6 something that you're certain of? 7 A I'm pretty sure of that because it 8 looks like you can see the writing right there 9 on the capsule, Gabapentin, Neurontin. 10 MR. SOH: Can I see your copy? 11 MR. EVANS: His is a little clearer. 12 THE WITNESS: And here's another one 13 that you can see. Do you see what I'm 14 talking about? 15 MR. SOH: No. 16 THE WITNESS: Trust me on these 17 pills. 18 MR. SOH: Okay. That's all right. 19 That's all right. 20 THE WITNESS: All right. 21 BY MR. EVANS: 22 Q And can you tell me -- you said 23 something about the collection of medications 24 at the scene. 25 Are you able to tell me one way or the</p>
<p style="text-align: right;">47</p> <p>1 A Yes, sir. 2 Q All right. 3 A Sorry. 4 Q Are you able to tell me from looking 5 at these photographs which pill bottle the 6 Neurontin was contained in? 7 A The one that says courtesy refills, 8 Eckerd on top, the big one. 9 Q Okay. The big one that's -- 10 A Right there. 11 Q -- kind of in the center of -- next 12 to the cell phone? 13 A It was between the cell phone and the 14 watch. 15 Q So to the right of the cell phone. 16 All right. 17 And how is it that you know that that's 18 the bottle that contained Neurontin? 19 A Because you can see it on the pill 20 bottle. 21 MR. SOH: You can see it on the what? 22 A You can see it on the pill bottle. I 23 see Neurontin all the time and plus I was 24 prescribed it in the past. 25 BY MR. EVANS:</p>	<p style="text-align: right;">49</p> <p>1 other whether or not there was a collection 2 made of the medications, the cyclobenzaprine, 3 the Hydrocodone, and Neurontin at the Smith 4 home? 5 A Did I collect them? 6 Q Yes. 7 A Yes. 8 Q You did? Okay. 9 A As best I remember. 10 Q Okay. And why -- do you have a 11 specific recollection of collecting the pill 12 bottles? 13 A As best I remember, I collected them. 14 Q Okay. All right. And then what 15 happens to the pill bottles once they're 16 collected? 17 A You transport them back here. We 18 usually use two forms, a medication log, which 19 basically logs the medication that was there. 20 And we have a medication list, which we put the 21 type of drug, when it was prescribed, how many 22 were left, who prescribed it, such like that. 23 Q Okay. 24 A So I probably didn't do that. And 25 the reason is because I couldn't find it,</p>

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<p style="text-align: right;">54</p> <p>1 A No, sir.</p> <p>2 Q Okay.</p> <p>3 A What I would have told them was I</p> <p>4 will document the opposition, but it's up to</p> <p>5 the medical examiner to make the determination.</p> <p>6 Q Okay. And the last thing that I</p> <p>7 wanted to talk to you about was the personal</p> <p>8 effects for Case No. 04-1575.</p> <p>9 A Okay.</p> <p>10 Q Oh, you have it right there. Okay.</p> <p>11 It looks like here under personal effects that</p> <p>12 the only -- and you correct me if I'm wrong.</p> <p>13 But it looks like the only personal effects</p> <p>14 that were collected for Mr. Smith were the</p> <p>15 articles of clothing on his body?</p> <p>16 A Looks that way, yes, sir.</p> <p>17 Q All right. For example, there are a</p> <p>18 number of other personal effects that we see</p> <p>19 when we look at deposition Exhibits No. 4 and 5</p> <p>20 that are on the dresser in his bedroom.</p> <p>21 Those items, other than the pill bottles,</p> <p>22 were not collected?</p> <p>23 A No, sir.</p> <p>24 Q Okay. And is that -- is that</p> <p>25 standard?</p>	<p style="text-align: right;">56</p> <p>1 BY MR. EVANS:</p> <p>2 Q Manner and cause, okay. I'm sorry.</p> <p>3 Manner and cause.</p> <p>4 Are you at all in your investigation</p> <p>5 interested in the question of why the</p> <p>6 individual may have committed suicide? Is that</p> <p>7 a question?</p> <p>8 A That's part of manner and cause.</p> <p>9 Q Okay. All right. And so is that</p> <p>10 something that in your manner and cause</p> <p>11 determination related to Richard Smith that you</p> <p>12 would have -- you would have contemplated?</p> <p>13 A As to why he did it?</p> <p>14 Q Yes, sir.</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. And is that something that not</p> <p>17 only you would do, you did in Mr. Smith's case,</p> <p>18 but in the other, you know, 250 to 500 suicide</p> <p>19 cases that you investigated; that's something</p> <p>20 that you did in those cases, as well?</p> <p>21 A Yeah. You have to try, as best you</p> <p>22 can, as to why somebody would take their own</p> <p>23 life. Most -- there's a lot that do not leave</p> <p>24 notes and then you -- you're out there and</p> <p>25 you've got to figure out that this is a suicide</p>
<p style="text-align: right;">55</p> <p>1 A Yes, sir.</p> <p>2 Q Okay.</p> <p>3 A The family was there at the scene.</p> <p>4 Q Okay. All right.</p> <p>5 A Usually the only thing we collect at</p> <p>6 the scene, other than what's with the decedent,</p> <p>7 on the decedent, would be the pill bottles or</p> <p>8 just something relating to the death. Like a</p> <p>9 noose or something, a rope, if it's related to</p> <p>10 the death.</p> <p>11 Q All right. Now -- and we had this</p> <p>12 week. We took Detective Satterfield's</p> <p>13 deposition yesterday. And I know that this is</p> <p>14 something that as a police officer he thinks</p> <p>15 about and I'm just trying to figure out.</p> <p>16 As part of your job responsibilities, and</p> <p>17 I know you're attempting -- you're assessing</p> <p>18 the scene. You're taking photographs. You're</p> <p>19 documenting. You're talking to witnesses or to</p> <p>20 family. And that the ultimate goal of the</p> <p>21 Medical Examiner's Office is to, I think as you</p> <p>22 said earlier, is determine the -- the -- is it</p> <p>23 the --</p> <p>24 A My ultimate goal?</p> <p>25 MR. SOH: Manner and cause.</p>	<p style="text-align: right;">57</p> <p>1 as opposed to a homicide or an accidental</p> <p>2 death.</p> <p>3 Q Okay. And in terms of your -- your</p> <p>4 opinions on the why of Mr. Smith's suicide,</p> <p>5 what does your -- what did your investigation</p> <p>6 reveal to you in terms of why you believe he</p> <p>7 committed suicide?</p> <p>8 A He just got tired. He got tired of</p> <p>9 hurting.</p> <p>10 Q Okay. And what is it that tells you</p> <p>11 that?</p> <p>12 A His note. He has medication that</p> <p>13 shows that he's being treated for pain. And</p> <p>14 just from the -- they said that he had it in</p> <p>15 the past. But from the scene, he's laid</p> <p>16 everything out and -- let's see. I think -- if</p> <p>17 you'll give me a moment?</p> <p>18 Q Oh, sure thing.</p> <p>19 A A lot of times on suicides they'll</p> <p>20 lay all their personal effects out and stuff,</p> <p>21 on the dresser, as you see in the pictures.</p> <p>22 Q Let's figure out which photograph you</p> <p>23 have there. That's one we already marked. I</p> <p>24 think what you're showing here is Exhibit</p> <p>25 No. 5.</p>

15 (Pages 54 to 57)



<p style="text-align: right;">58</p> <p>1 A And if you'll see in the background, 2 he's marked the circle around pain. 3 Q Okay. Can you -- what are you -- oh, 4 you're looking at -- okay. I see. 5 Just for the record, you're referring 6 to -- there is a -- is that the pamphlet that's 7 toward the back? 8 A The pamphlet next to the mirror -- 9 Q Okay. 10 A -- says pain. He circled it. He has 11 a written note. He talked to his wife. He got 12 tired of hurting. That's an opinion, though. 13 Q Of course. I understand that. But 14 that's your opinion based upon your experience 15 as a -- as a forensic investigator? 16 A That and the wound. 17 Q And the what? 18 A The wound. 19 Q The wound? 20 A Yes, sir. 21 Q What about the wound tells you that? 22 A He's got a contact GSW at the right 23 temple region. That means he put the gun to 24 his head. He would have fought -- anybody 25 would have fought. If they didn't do it</p>	<p style="text-align: right;">60</p> <p>1 Q Okay. But it's your personal -- 2 A It's my personal. 3 Q That's your personal opinion. All 4 right. Let me ask you this: And I know that 5 you probably -- your friends and family think 6 that what you do is a lot like CSI, but it 7 really isn't what it's like at CSI, correct? 8 A No. They have all the good stuff. 9 Q I mean, but, for example, if there 10 was a drug that caused suicides, you would not 11 go back and review like medical literature 12 showing an increased risk of suicide and make a 13 determination if that drug caused a role in the 14 suicide, would you? 15 A Not unless my medical examiner, 16 Dr. Bruce Levy, tells me to do so. 17 Q Okay. Have you ever done that in 18 your years as an investigator for the Medical 19 Examiner's Office? 20 A No, sir. We turn that over to 21 Consumer Affairs Product or whatever. 22 Q Like you wouldn't review, let's say, 23 an FDA warning about -- that a drug would 24 double the risk of suicide; you wouldn't review 25 that as part of your investigation, would you?</p>
<p style="text-align: right;">59</p> <p>1 themselves, they would have fought. There 2 would have been signs of a struggle. 3 Q Okay. All right. That's what tells 4 you it's suicide? 5 A That and everything else at the 6 scene. 7 MR. EVANS: All right. Okay. I 8 think that those are probably all the 9 questions I have for you for right now. 10 I'll pass the witness. 11 EXAMINATION 12 BY MR. SOH: 13 Q Do I call you Investigator Biggs, 14 Detective; what should I call you? 15 A Call me Gary. 16 Q Mr. Biggs, let me just go through a 17 couple of issues with you here. You expressed 18 your opinion that Mr. Smith committed suicide 19 because of the pain, correct? 20 A Yes, sir. 21 Q Okay. But that's not a formal -- is 22 that a -- would you consider that a formal 23 opinion from the Medical Examiner's Office? 24 A That would be up to the medical 25 examiner to say that.</p>	<p style="text-align: right;">61</p> <p>1 MR. EVANS: Object to the form. 2 A We knew about it, like the Vioxx or 3 whatever, we could like of look forward to that 4 when that came out. 5 BY MR. SOH: 6 Q Okay. Oh, okay. You mentioned 7 Vioxx. Let's give you an example. 8 So you're saying that if someone died of a 9 heart attack while taking Vioxx, you would 10 investigate whether or not Vioxx might have 11 caused that heart attack? 12 A If we found Vioxx, we would bring it 13 back in and document it. 14 Q Okay. But you didn't do that in this 15 case with the Smith Family and the Neurontin? 16 A We did bring -- I did document the 17 drug. 18 Q That he was on Neurontin. But you 19 didn't go and document any kind of scientific 20 literature or anything like that to maybe show 21 a link between Neurontin and suicide? 22 A No, sir. 23 Q Okay. Let me ask you. I got a 24 little confused about your answers, and I just 25 want to maybe try and make it clearer, okay?</p>

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